



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 837**

April 22, 2010 – Offered by Representative Danou.

*** AUTHORS SUBJECT TO CHANGE ***

1 **AN ACT** *to repeal* 23.33 (3g) (b); *to renumber and amend* 23.33 (5) (a) and 23.33
2 (5) (c); *to amend* 23.33 (5) (b) 2.; and *to create* 23.33 (5) (am) and 23.33 (5) (c)
3 2. of the statutes; **relating to:** age restrictions, headgear requirements, and
4 safety certificate requirements regarding the operation of an all-terrain
5 vehicle.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 23.33 (3g) (b) of the statutes is repealed.

7 **SECTION 2.** 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. (intro.)
8 and amended to read:

9 23.33 (5) (a) 1. (intro.) No person under 12 years of age may operate an
10 all-terrain vehicle unless he any of the following apply:

11 a. He or she is operating the an all-terrain vehicle for an agricultural purpose
12 and he or she is under the supervision of a person over 18 years of age ~~or unless he,~~

1 b. He or she is operating an all-terrain vehicle that is a small all-terrain
2 vehicle ~~on an all-terrain vehicle trail designated by the department and he or she~~
3 is accompanied by his or her parent. ~~No person who is under 12 years of age may~~
4 operate an all-terrain vehicle which is an implement of husbandry on a roadway
5 under any circumstances. ~~No person who is under 12 years of age may operate an~~
6 all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d)
7 6. ~~under any circumstances. No person who is under 12 years of age may rent or lease~~
8 an all-terrain vehicle or guardian or by a person at least 21 years of age who is
9 designated by the parent or guardian.

10 2. For purposes of ~~this paragraph subd. 1. a.~~, supervision does not require that
11 the person under 12 years of age be subject to continuous direction or control by the
12 person over 18 years of age.

13 **SECTION 3m.** 23.33 (5) (am) of the statutes is created to read:

14 23.33 (5) (am) *Roadway restrictions.* 1. In addition to the restrictions under
15 par. (a) 1., no person under 12 years of age may operate an all-terrain vehicle on a
16 roadway under any circumstances.

17 2. No person under 16 years of age may operate an all-terrain vehicle on a
18 roadway for a nonagricultural purpose unless the person is at least 12 years of age
19 and is accompanied by his or her parent or guardian or by a person at least 21 years
20 of age who is designated by the parent or guardian.

21 **SECTION 3.** 23.33 (5) (b) 2. of the statutes is amended to read:

22 23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle safety
23 certificate while operating an all-terrain vehicle shall carry the certificate on the
24 all-terrain vehicle and shall display the certificate to a law enforcement officer on
25 request. Persons enrolled in a safety certification program approved by the

1 department or a safety education program approved by the department may operate
2 an all-terrain vehicle in an area designated by the instructor.

3 **SECTION 4.** 23.33 (5) (c) of the statutes is renumbered 23.33 (5) (c) 1. and
4 amended to read:

5 23.33 (5) (c) 1. Paragraphs (a) and (b) do not apply to a person who operates an
6 all-terrain vehicle exclusively on land under the management and control of the
7 person's immediate family. ~~Paragraphs (a) and Paragraph (b) do~~ does not apply to
8 a person at least 12 years of age but under 16 years of age who holds a valid certificate
9 issued by another state or a province of Canada.

10 **SECTION 5.** 23.33 (5) (c) 2. of the statutes is created to read:

11 23.33 (5) (c) 2. Notwithstanding the all-terrain safety certificate requirement
12 under par. (b), a person is not required to hold a valid safety certificate if all of the
13 following apply:

14 a. The person operates an all-terrain vehicle at an all-terrain vehicle
15 demonstration event.

16 b. The event is sponsored by an all-terrain vehicle dealer, an all-terrain vehicle
17 club, this state, a city, a village, a town, or a county.

18 c. If the person is under 18 years of age, the person is accompanied by his or
19 her parent or guardian or by a person at least 21 years of age who is designated by
20 the parent or guardian.

21 d. The sponsor of the event requires the person to wear protective headgear of
22 the type required under s. 347.485 (1).

23 e. The person operates the all-terrain vehicle in a closed-course area at a speed
24 not exceeding 15 miles per hour.

25 (END)